

No. 4285-4Lab-77/12443.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workman and the management of M/s Chemical Vessels Fabricators Private Limited, Plot No. 119, Sector 6, Faridabad :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 59 of 1974

between

SHRI GIKYRIA MOLLA, WORKMAN AND THE MANAGEMENT OF M/S CHEMICAL
VESSELS FABRICATORS PRIVATE LIMITED, PLOT No. 119, SECTOR 6, FARIDABAD

Present :

Shri Bhim Singh Yadav for the workman,

Shri H. R. Dua for the management.

AWARD

By order No. ID/FD/74/11490, dated the 2nd May, 1974, the Governor of Haryana, referred the following dispute between the management of M/s Chemical Vessels Fabricators Private Limited, Plot No. 119, Sector 6, Faridabad and its workman Shri Gikyria Molla to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Gikyria Molla was justified and in order? If not, to what relief is he entitled?

On receipt of the reference, notices were issued to the parties. The parties put in their pleadings and the following issues were framed by my learned predecessor on 27th February, 1975 :—

- (1) Whether the demand the subject-matter of the present reference was first raised on the management and rejected by it before taking up the matter for conciliation? If not, with what effect? (on workman)
- (2) Whether it is a case of abandonment of service by the workman concerned as alleged by the management? If so, with what effect? (on management)
- (3) Whether the termination of services of Shri Gikyria Molla was justified and in order? If not, to what relief is he entitled?

The case was fixed for the evidence of the management. The management examined Shri R. D. S. Kochar, Administrative Officer of M/s Nipha Machinery Manufacturers (P) Ltd., Faridabad, as M. W. 1 who stated that the workman concerned was in their service since 17th April, 1974 at the monthly wage of Rs. 315. He further stated that the workman concerned was also employed with M/s United Engineering (P) Ltd., Saharanpur, during the period from July, 1973 to January, 1974. The management then examined Shri P. K. Bhatiacharia, Time-keeper of the management as M. W. 2, who stated that the workman concerned was granted one day leave although he had applied for two days' leave but he did not appear after the leave expired for a long time, then his name was struck off. M. W. 3 is Shri P. K. Bhatiacharia, Time Office Clerk of the management who stated that when a workman is absent, he is marked "A" in the attendance register. The management closed their case and produced some documents which shall be discussed later on.

Then the case was fixed for the evidence of the workman. The workman examined himself as a witness who stated that he was employed with M/s Nipha Machinery Manufacturer (P) Ltd. at Rs. 325 P. M. as wages and that he was, prior to he joined Nipha Machinery Manufacturer, working with some Contractor after his dismissal and he was getting Rs. 5 or Rs. 6 daily. He was drawing Rs 175 P. M. as wages from the management. I have perused the documents produced on the file. The workman concerned was granted one day leave,—vide Exhibit M-1. By the original of Exhibit M-2 the management had asked the workman concerned to report for duty a day after the receipt of that letter dated 19th July, 1973. Exhibit M-3 is an other letter from the United Engineering (P) Ltd., to M/s Chemical Vessels (P) Ltd., intimating that the workman concerned had joined their service M/s United Engineering (P) Ltd; on 17th July, 1973 and left the job on 15th January 1974. He was i. e. a probationer there. The management have filed their certified standing order also. The workman concerned did not attend the duty of the management on or after 12th July, 1973 and joined the service of M/s Chemical Vessels Fabricators (P) Ltd; on 17th July, 1973 i. e. 4/5 days after his leave for one day expired. In these circumstances I am of the view that the management terminated the services of the workman concerned after waiting for a long time for his attendance and it was the workman concerned who did not attend his duty after the expiry of the leave and

joined service elsewhere within 5 days of the expiry of his leave. It seems that the workman had pre-planned his employment with another employer named M/s United Engineering (P) Ltd; and therefore did not turned up to the managemnt for attending his duty. In these circumstances, I am of the view that the termination of services of the workman concerned was justified and in order and he is not entitled to any relief. I, therefore, give my award that the termination of services of the workman concerned Shri Gikyzia Molla was justified and in order and he is not entitled to any relief.

Dated 13th April, 1977.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 417, dated 28th April, 1977

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment. Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

The 28th April, 1977

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 24th May, 1977

No. 2051-5Lab-77/10530.—In exercise of opwers conferred by section 74 of the Employees State Insurance Act, 1948, read with rule 4 of Punjab Employees Insurance Court Rules, 1951, and in partial modification of Haryana Government notification No. 4799-5Lab-71, dated the 6th July, 1971, the President of India is pleased to constitute the courts specified in column 2 of the Schedule below as Employees Insurance Courts for the areas specified in column 3 thereof and appoints the Judicial Officers presiding over the courts specified in column 2 of the said Schedule as judges of Employees Insurance Courts so constituted :—

SCHEDULE

| Sr. No. | Name of the Court | Jurisdiction |
|---------|--|--|
| 1 | Senior Sub-Judge, Bhiwani | Bhiwani, Charkhi, Dadri and Rewari |
| 2 | Senior Sub-Judge, Gurgaon | Gurgaon and Kutubpur Mola |
| 3 | Seniormost Sub-Judge posted at Ballabgarh. | Faridabad, Ballabgarh and Mathura Road (Faridabad) |

P. P. CAPRIHAN,

Financial Commissioner & Secy.

ORDER OF THE PRESIDENT OF INDIA

In pursuance of the provisions of section 10(f) of the State Financial Corporation Act, 1951, the President of India is pleased to appoint Shri T.K. Binerji, I.A.S., as Managing Director, Haryana Financial Corporation, Chandigarh, for further period of one year with effect from 1st February, 1977, on the existing terms and conditions.

Dated Chandigarh,
the 9th May, 1977.

M. C. GUPTA,
Commissioner & Secretary.

INDUSTRIAL TRAINING DEPARTMENT

The 17th May, 1977

No. 1079-I.I. T-77/14951.—As a result of his promotion Shri Khan Chand, Superintendent, Office of Director of Industrial Training, Haryana assumed charge of the post of Assistant Director, Class II (Non-Technical), in the grade of Rs 350,25—500/30—590/30/900 on *ad-hoc* basis on the after noon of the 11th March, 1977.

M.C. GUPTA,
Commissioner & Secy.